



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Date: September 8, 2016

Agenda Item No.: 1. C.

**MEMORANDUM**

**TO:** Montgomery County Planning Board

**FROM:** Gwen Wright, Planning Director

**VIA:** Robert Kronenberg, Chief, Area One *PAK*  
Elza Hisel-McCoy, Supervisor, Area One *CA*  
Neil Braunstein, Planner Coordinator, Area One *NB*

**Re:** Correction of Resolution for Site Plan No. 820160120,  
MCPB No. 16-058, Brightview Bethesda

---

Attached, please find a redlined version of the Resolution for Site Plan No. 820160120, Brightview Bethesda. The Resolution was adopted by the Planning Board at the July 14, 2016, Planning Board Hearing, and was mailed out to all parties of record on July 22, 2016. This Corrected Resolution addresses an error that recurs on pages 1 and 14 of the original Resolution.

The correction is to address a typographical error on pages 1 and 14 of the Resolution. The Resolution incorrectly states that the approval is for up to 112 assisted living units. The attached corrected Resolution states the correct approval of up to 120 assisted living units. The corrected number of approved assisted living units is consistent with the 120-unit maximum stated in the staff report and established with approval of Sketch Plan 320160010 and Preliminary Plan 120160010.

**cc:** Carol Rubin, Associate General Counsel



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 16-058  
Site Plan No. 820160120  
Brightview Bethesda  
Date of Hearing: July 14, 2016

SEP 16 2016

**CORRECTED RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on March 4, 2016, Shelter Development, LLC ("Applicant") filed an application for approval of a site plan for an assisted living facility consisting of up to 89,780 square feet of assisted living use, consisting of up to ~~412~~ 120 assisted living units, and up to 3,125 square feet of nonresidential (retail, restaurant, or service) uses on 0.59 gross acres of CR-3.0, C-1.0, R-2.75, H-90T-zoned-land, located in the northeast quadrant of the intersection of Rugby Avenue and Glenbrook Road ("Subject Property"), in the Bethesda CBD Policy Area and *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820160120, Brightview Bethesda ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 1, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on July 14, 2016, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820160120 for an assisted living facility consisting of up to 89,780 square feet of assisted living use, consisting of up to ~~412~~ 120 assisted living units, and up to 3,125

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Suite 400, Bethesda, MD 20814 Chairman's Office: 301.495.4605 Fax: 301.495.1320

MNCPPC Legal Department  
www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

square feet of nonresidential (retail, restaurant, or service) uses on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Sketch Plan Conformance

The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320160010.

2. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan No. 120160010.

### **Environment**

3. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated November 18, 2015, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

### **Public Use Space, Facilities, and Amenities**

4. Public Use Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 1,350 square feet of public open space (6.4% of the net lot area) on-site, as illustrated on the Certified Site Plan.
- b. The Applicant must construct Bethesda CBD streetscape standard, including but not limited to street trees, street lighting, brick paving, and the undergrounding of utilities, along the Subject Property's frontage, as shown on the Certified Site Plan.
- c. Before the issuance of the final use and occupancy certificate, all public open space areas must be completed.

5. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

---

<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. Transit proximity  
The Subject Property is located between ½ mile and one mile of a Metrorail station, which allows the Application to be eligible for Level 1 transit as defined in the Zoning Ordinance.
- b. Connectivity and Mobility
  - i. Minimum Parking  
The Applicant must not provide more than 45 parking spaces on the Subject Property.
  - ii. Transit Access Improvement  
The Applicant must improve crosswalks, sidewalks, and accessibility ramps at the intersection of Rugby Avenue at Glenbrook Road, as shown on the Certified Site Plan.
  - iii. Wayfinding  
The Applicant must install wayfinding signs to direct pedestrians and bicyclists to the Bethesda Metrorail Station, the National Institutes of Health, Battery Lane Park, and other points of interest. Final design, location, and installation details must be approved prior to issuance of any use and occupancy certificate.
- c. Diversity of Uses and Activities
  - i. Enhanced Accessibility for the Disabled  
The Applicant must provide 25% of the assisted living units as units that satisfy the ANSI A117.1 Residential Type A Standards for accessibility, or an equivalent County standard.
  - ii. Small Business Opportunities  
The Applicant must allocate all of the commercial space in the building to small businesses. Each retail space may not exceed 5,000 square feet in floor area. The retail spaces must be restricted for at least six years. Prior to submission of a building permit application, the Applicant must record a covenant in the County land records that reflects these restrictions.
- d. Quality of Building and Site Design
  - i. Architectural Elevations  
The Applicant must design and construct the façade of the building to provide transparency as shown on the approved building elevation. Entrance doors must be placed substantially as shown on the Certified Site Plan.
  - ii. Exceptional Design  
The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
  - iii. Public Art  
The Applicant must provide an art piece in accordance with Condition 7 on the front façade of the building, as shown on the Certified Site Plan.

- iv. Structured Parking  
The Applicant must provide no more than 45 parking spaces within the below grade structure on the Subject Property.
- e. Protection and Enhancement of the Environment
  - i. Building Lot Termination ("BLT")  
The Applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. The Applicant must purchase 0.29 BLTs. Prior to issuance of any building permit, the Applicant must provide to Staff documentation of the purchase.
  - ii. Cool Roof  
The Applicant must install a cool roof, having a minimum solar reflectance index of 75, covering all roof areas not covered by green roof or mechanical equipment.
  - iii. Energy Conservation and Generation  
The Applicant must construct the building to exceed the energy-efficiency standards for the building type by 2.5%. Prior to issuance of any residential Use and Occupancy certificates, the Applicant must submit to Staff a Final Energy Performance Report.
  - iv. Vegetated Roof  
The Applicant must install a vegetated roof with a soil depth of a minimum of four inches covering a minimum of 50% of the building's roof, excluding space for mechanical equipment and cool roof.
  - v. Vegetated Wall  
The Applicant must install a vegetated wall on the western façade of the building facing west, covering an area of at least 600 square feet, as illustrated on the Certified Site Plan.

6. Public Art

- a. The Certified Site Plan must state the name of the art piece and the name of the artist, as presented to the Art Review Panel on May 11, 2016.
- b. The Certified Site Plan must contain site details that clearly indicate the overall dimensions, prescribed materials, necessary lighting fixtures, footers, and fasteners of the art piece.
- c. Prior to issuance of the final certificate of use and occupancy, the Applicant must install the art piece on the front façade of the building, as shown on the Certified Site Plan.
- d. Prior to issuance of the final certificate of occupancy, the Applicant must install signage near the art piece that identifies the title of the work, the artist's name, materials, completion date, and overall dimensions of the art piece.
- e. Prior to issuance of the final certificate of occupancy, the Applicant must submit to the Public Art Coordinator with the Maryland – National Capital Park and Planning Commission (M-NCPPC) at least three images of the artwork

installed on-site and information regarding the associated project number, title of the piece, date of completion, description of materials used, and address.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, pedestrian pathways, landscaping, hardscape, and public open space and appurtenances.

## Transportation and Circulation

8. Pedestrian and Bicycle Circulation

- a. The Applicant must provide ten bicycle parking spaces for long-term private use and two bicycle parking spaces for short-term public use.
- b. The private spaces must be on-site in a secured, well-lit bicycle room within the garage and/or building, and the public spaces must be an inverted-U rack installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public and private bicycle parking must be identified on the Certified Site Plan.

9. Traffic Mitigation

Prior to issuance of a building permit, the Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and the Montgomery County Department of Transportation ("MCDOT") to participate in the Bethesda Transportation Management District.

10. Department of Permitting Services

The Planning Board accepts the recommendations of MCDPS – Right-of-Way Section in its memorandum dated May 25, 2016, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memorandum, which may be amended by MCDPS –Right-of-Way Section provided that the amendments do not conflict with other conditions of the Site Plan approval.

## Site Plan

11. Building Height

The development is limited to the maximum height of 90 feet, as measured from the approved building height measuring point shown on the Certified Site Plan.

12. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by Staff.

**13. Landscaping**

- a. Before issuance of the final residential use and occupancy certificate or similar final inspection for this Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, streetscape and related improvements, hardscape, bicycle facilities, and public open space amenities must be installed.
- b. The Applicant must install the landscaping no later than the next growing season after completion of construction and site work.

**14. Lighting**

- a. Before approval of the Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNA) recommendations in effect on the date of this Resolution for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations in effect on the date of this Resolution.
- b. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

**15. Site Plan Surety and Maintenance Agreement**

Before issuance of any building permit or sediment and erosion control permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.k.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, plant materials, on-site lighting, exterior site furniture, art pieces, vegetated walls, retaining walls, railings, curbs, gutters, sidewalks, and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

**16. Development Program**

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

**17. Certified Site Plan**

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the forest conservation exemption letter, stormwater management concept approval letter, development program, and Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify data table to reflect development standards approved by the Planning Board. The data table must reflect all of the existing and approved development on the entire Subject Property.
- d. Ensure consistency of all details and layout between Site and Landscape plans.
- e. Show the location of the vegetated wall on applicable Site Plan sheets. Include the plants for the vegetated wall in the plant list.
- f. Expand the public improvement easement ("P.I.E.") along the Subject Property frontage to encompass the entire area between the front lot line and the building face.
- g. Illustrate, as applicable, conformance with all public benefits.
- h. Show the density transfer sending properties on the Site Plan.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Brightview Bethesda, 820160120, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site.*



The Planning Board approved Sketch Plan 320160010 and Preliminary Plan 120160010 on December 10, 2015. This site plan is consistent with the development approved under the previous sketch plan and preliminary plan applications.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

This finding is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This finding is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 0.59 acres zoned CR-3.0, C-1.0, R-2.75, H-90T. The Application satisfies the applicable development standards as shown in the following data table:

**Data Table**

<b>Table 1 - Site Plan Project Data Table</b>				
<b>Section</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved in Sketch Plan and Preliminary Plan for Lot 2</b>	<b>Approved in Site Plan</b>
59 – 4	<b>Gross Tract Area (sf)</b>	n/a	25,738	25,738
4.5.4.B.2.b	<b>Density</b> CR-3.0, C-1.0, R-2.75, H-90T Commercial FAR/GFA Residential FAR/GFA <b>TOTAL FAR/GFA</b>	1.0/25,738 2.75/70,780 3.0/77,214	0.1/3,125 3.5/89,780 3.6/92,905	0.1/3,125 3.5/89,780 <sup>2</sup> 3.6/92,905
4.5.4.B.2.b	<b>Building Height (feet)</b> CR-3.0, C-1.0, R-2.75, H-90T	90	90	90
4.5.4.B.3	<b>Minimum Setback (feet)</b> From R.O.W. Rear Side	0 0 0	0 0 0	5 3 8
4.5.4.B.1	<b>Open Space</b> Public Open Space (%/sq. ft.)	5/1,056	6.4/1,350	6.4/1,350
6.2	<b>Parking spaces, minimum-maximum</b>	45-147	47	45

b. Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Planning Board approved the following public benefits categories to satisfy the requirements: Transit Proximity, Connectivity and Mobility, Diversity of Uses and Activities, Quality of Building and Site Design, and Protection and Enhancement of the Natural Environment.

<sup>2</sup> The residential density (and, consequently, total density) exceeds the permitted amount because 19,000 square feet of residential density were transferred to the Subject Property through FAR averaging with approval of the sketch plan and preliminary plan.

<b>Table 2 - Site Plan Public Benefits Calculations</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Approved in Concept Under Sketch Plan</b>	<b>Requested</b>	<b>Approved Under Site Plan</b>
<b>4.7.3.B: Transit Proximity</b>	<b>20</b>	<b>20</b>	<b>20</b>
<b>4.7.3.C: Connectivity and Mobility</b>			
<b>Minimum Parking</b>	<b>10</b>	<b>10</b>	<b>10</b>
<b>Transit Access Improvement</b>	<b>10</b>	<b>10</b>	<b>10</b>
<b>Wayfinding</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>4.7.3.D: Diversity of Uses and Activities</b>			
<b>Small Business Opportunity</b>	<b>10</b>	<b>10</b>	<b>10</b>
<b>Enhanced Accessibility for the Disabled</b>	<b>20</b>	<b>20</b>	<b>20</b>
<b>4.7.3.E: Quality of Building and Site Design</b>			
<b>Structured Parking</b>	<b>20</b>	<b>20</b>	<b>20</b>
<b>Public Art</b>	<b>15</b>	<b>15</b>	<b>15</b>
<b>Exceptional Design</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>Architectural Elevations</b>	<b>10</b>	<b>20</b>	<b>20</b>
<b>4.7.3.F: Protection and Enhancement of the Natural Environment</b>			
<b>Building Lot Termination (BLT)</b>	<b>2.6</b>	<b>2.6</b>	<b>2.6</b>
<b>Energy Conservation and Generation</b>	<b>5</b>	<b>5</b>	<b>5</b>
<b>Vegetated Wall</b>	<b>10</b>	<b>10</b>	<b>10</b>
<b>Vegetated Roof</b>	<b>15</b>	<b>15</b>	<b>15</b>
<b>Cool Roof</b>	<b>10</b>	<b>10</b>	<b>10</b>
<b>Recycling Facility Plan</b>	<b>5</b>	<b>5</b>	<b>0</b>
<b>TOTAL</b>	<b>172.6</b>	<b>182.6</b>	<b>177.6</b>

Transit Proximity

The Subject Property is located between ½ mile and one mile of the entrance to the Bethesda and Medical Center Metrorail Stations, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The full 20 points are awarded as provided in the Zoning Ordinance for CR-zoned properties that are between ½ mile and one mile of a Metrorail station.

Connectivity and Mobility

*Minimum Parking:* The Application is approved for fewer than the maximum number of allowed parking spaces. The maximum number of allowed spaces is 147, but the Application will provide 45 spaces.

The points are calculated as follows:

$$[(147/45)/(147/45)]*10 = 10$$

*Transit Access Improvement:* The Application will improve crosswalks, sidewalks, and accessibility ramps at the intersections of Rugby Avenue at Glenbrook Road. These improvements are located within ½ mile of the Subject Property and are not otherwise required improvements along the Subject Property's frontage. Ten points are awarded.

*Wayfinding:* In conjunction with the streetscape improvements on Rugby and Auburn Avenue, wayfinding signs will be installed to direct pedestrians and bicyclists to the Bethesda Metrorail Station, the National Institutes of Health, Battery Lane Park, and other points of interest. Five points are awarded.

#### Diversity of Uses and Activities

*Enhanced Accessibility for the Disabled:* The Application will provide 25% of the assisted living units as units that satisfy the ANSI A117.1 Residential Type A standards for accessibility, or an equivalent County standard. Twenty points are awarded.

*Small Business Opportunities:* All of the commercial space in the proposed building will be allocated to small businesses. According to the Incentive Density Implementation Guidelines, incentive density of ten points is appropriate when all of the commercial spaces are allocated to small businesses. Ten points are awarded.

#### Quality of Building and Site Design

*Architectural Elevations:* The building is designed to provide ground-floor transparency. The ground-floor façade is primarily glass, readily allowing views into and out of the building. The building will have at least three public entry doors on Rugby Avenue serving the retail spaces and the assisted living lobby. These will be spaced apart to create both egress and opportunities for two-way visual interaction through the large picture windows. The certified Site Plan will document these and other design elements and substantial conformance with the building design will be required of the Applicant. The full 20 points are awarded because the Subject Property is located in an area where architectural elevations are a priority of the Sector Plan.

*Exceptional Design:* Incentive density of up to five points is appropriate for development that meets at least four of the following criteria, and ten points for development that meets all of them:

- Provides innovative solutions in response to the immediate context
- Creates a sense of place and serves as a landmark
- Enhances the public realm in a distinct and original manner
- Introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way
- Uses design solutions to make compact infill development living, working, and shopping environments more pleasurable and desirable on a problematic site
- Integrates low-impact development methods into the overall design of the site and buildings, beyond green building or site requirements.

The building will respond well to the immediate context, serving as a transition between the 17-story buildings to the south and the two-story garden apartments to the north. The building will serve as a landmark because of its prominent location as a terminating vista at the end of the pedestrian connection between Del Ray and Auburn Avenues, which was constructed with the Woodmont Central project. The use of contemporary architecture on multi-story urban building, while not unique to the Woodmont Triangle area, is a unique application for an assisted living facility, which are typically built in lower density settings with more suburban-style design. Further, the high-quality design will raise the standard for all building types in downtown Bethesda. Five points are awarded.

*Public Art:* The Application includes an art piece on the front façade of the building, near the eastern end of the building. This location provides visibility from the length of Rugby Avenue and from the pedestrian walkway that connects Rugby Avenue to Del Ray Avenue. The art will be a vertical triangular column (or prism) affixed to the façade of the building, and will extend from the ground to the top of the seventh floor.

The art will evoke a message of growth and connectedness suggested by the vine and tree motifs that convey the tree of life metaphor. The palette and shapes suggest the seasonal aspects of growth and change in nature and life.

Fifteen points are awarded because the public art was reviewed by the Art Review Panel and meets the following goals:

- Achieves aesthetic excellence;
- Ensures an appropriate interaction between the art and the architectural setting in terms of scale, materials, and context;

- Ensures public access and invites public participation;
- Encourages collaboration between the artist and other project designers early in the design phases;
- Ensures long-term durability of permanent works through material selection and/or a documented maintenance program;
- Encourages a rich variety of arts including permanent installations, revolving temporary works, and event programming;
- Increases public understanding and enjoyment of art through interpretive information and/or programmed events; and
- Contributes to a collection of commissioned art that is unique and fosters a positive community identity.

*Structured Parking:* The Application is awarded 20 points for structured parking consisting of 45 below-grade spaces. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade.

The points are calculated as follows:

$$[(0/45)*10] + [(45/45)]*20 = 20$$

#### Protection and Enhancement of the Natural Environment

*Building Lot Termination:* The Applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. With these parameters, the Applicant must purchase 0.29 BLTs, for 2.6 points.

The points are calculated as follows:

$$((123,412.5*7.5\%)/ 31,500)*9 = 2.6$$

*Cool Roof:* All roof areas not covered by green roof or mechanical equipment will be covered by a cool roof having a minimum solar reflectance index of 75. Ten points are awarded.

*Energy Conservation and Generation:* The Application will exceed energy efficiency standards by a minimum of 2.5%, which yields five points. This will be achieved through the use of cool and vegetated roofs to minimize heating and cooling loads. The building envelope will feature increased insulation and Energy Star labeled windows and doors. The building's mechanical system will employ energy efficient HVAC systems and equipment. Energy Star appliances and lighting will be selected to maximize energy conservation.

*Recycling Facilities Plan:* The Applicant has requested five points because the project will provide a recycling facility plan that complies with the Montgomery County Executive Regulations 15-04AM and 18-04. However, according to the executive regulations, provision of a recycling facilities plan is mandatory for multi-family buildings with more than 100 dwelling units. Section 59.4.7.1.B of the Zoning Ordinance prohibits granting points as a public benefit for any amenity or project feature otherwise required by law. Therefore, no points are awarded for this public benefit.

*Vegetated Roof:* The Application will provide vegetated roofs with a soil depth of at least 4 inches and covering at least 50% of the total roof excluding space for mechanical equipment and cool roof. Fifteen points are awarded.

*Vegetated Wall:* A vegetated wall, visible from Rugby Avenue, will be placed on the west side of the building, covering an area of at least 600 square feet, located on an otherwise blank wall. Ten points are awarded.

c. General Requirements

i. *Site Access*

The driveway has been located at the western end of the Subject Property's frontage, in order to maximize its distance from the intersection of Rugby Avenue and Auburn Avenue. The driveway will provide well-integrated access from Rugby Avenue to the Subject Property.

ii. *Parking, Queuing, and Loading*

The building will use a parking garage and loading spaces for adequate off-street parking and loading.

Section 6.2.4.C of the Zoning Ordinance requires that bicycle parking space be provided for a residential care facility at a rate of 0.25 space per dwelling unit, of which 95% must be long term spaces. With ~~142~~ 120 units in the assisted living facility, ~~28~~ 30 bicycle parking spaces are required, of which ~~27~~ 29 are long-term and one is short-term.

However, Section 6.2.10 allows the Planning Board to grant a waiver to reduce the number of bicycle parking spaces. The Applicant has requested to reduce the number of bicycle parking spaces from ~~28~~ 30 to 12, ten of which would be spaces for long-term use and two would be for short-term use. The Planning Board grants the waiver to reduce the number of bicycle parking spaces because the average age of residents of the assisted living facility is mid-eighties and the majority of residents need personal care assistance with the activities of daily living. They are not likely to travel by bicycle. The ten bicycle parking spaces for long-term use that the Planning Board approves are expected to be used by employees of the assisted living facility. Approval of this waiver meets the intent of the bicycle parking requirements because sufficient bicycle parking will be provided for the use.

iii. *Open Space and Recreation*

The Application has a five percent public open space requirement, which yields a requirement of 1,056 square feet of open space. The Application will provide 1,350 square feet of public open space. The public open space will consist of sidewalk along the Rugby Avenue frontage of the Subject Property. The public open space will be improved with the Bethesda standard streetscape. Recreational amenities will be provided within the building for residents.

iv. *General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents, employees, and visitors. The Application will transform existing streetscape along the frontage on Rugby Avenue with new street trees, improved sidewalk, and street lighting.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on November 18, 2015. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum



extent practicable through the use of micro-bioretenion planters and green roof.

b. Chapter 22A, Forest Conservation

Forest Conservation Exemption #42015029E was confirmed for the Subject Property on August 8, 2014. The Application qualifies for a small property exemption under Section 22A-5(s)(1) of the Montgomery County Forest Conservation Law, since the activity occurs within a tract of land smaller than 1.5 acres with no forest or existing specimen trees or champion trees present, and the afforestation requirements would not exceed 10,000 square feet.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Site Plan has been designed to ensure that the locations of all buildings, structures, parking lots, open spaces, landscaping and site amenities will be safe and well-integrated. The Subject Property, located within the Woodmont Triangle Study Area, is within convenient walking distance to various public transit resources, including the Bethesda and Medical Center Metro Stations, WMATA buses, Ride-on buses, the Bethesda Circulator, and public parking garages. As such, visitors to the building are expected to make use of multiple modes of transit. In order to ensure compatibility between pedestrians and vehicles coming to the Subject Property and to maximize the continuity of the streetscape, the Application utilizes a single driveway to access the parking garage. Loading for the Subject Property will be accommodated on-site, to the west of the building.

The Application will improve pedestrian circulation on Rugby Avenue and contribute to the emerging pedestrian network in the Woodmont Triangle by providing new open space and streetscape. The Rugby Avenue frontage will be activated by the street-level retail component, and will provide opportunities for multigenerational interactions between senior residents and young families. Notably, no sidewalk exists on the south side of Rugby Avenue across from the Subject Property, which makes the streetscape upgrades on the north side more meaningful.

With respect to resident amenities, the Application creates opportunities for courtyard and patio space on the second floor roof of the garage below and at the eighth floor. The second-floor courtyard will be a secure outdoor area for memory-impaired residents.

The scale of the building will be appropriate for the location, with heights that establish a proper relationship with surrounding existing and planned buildings, and with the larger-scale buildings in the Woodmont Triangle District. The overall massing is oriented to give prominence to the building's presence on Rugby Avenue, and upper level setbacks will provide a transition to the Battery Lane District to the north of the Subject Property, including the adjacent garden apartments (where the R-10 Zone immediately abutting the Subject Property allows for maximum heights of 100 feet for apartment buildings). A study comparing the shaded areas of the garden apartment complex before and after construction of the building shows that the building will not substantially increase the amount of shadow that is cast onto the garden apartment property. On December 21, the date on which the impact would be the greatest, the study shows that at midday through the afternoon, a small area at the southern end of the southeastern building would be shaded that is not currently shaded in the absence of the approved building. In terms of aesthetics, the Application will provide a visually pleasing, modern building that will contribute positively to views in the CBD.

- 7. The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Subject Property is within the boundaries of the 2006 *Woodmont Triangle Amendment to the Bethesda CBD Sector Plan*. The primary objective of the Sector Plan is to spur the revitalization of the Woodmont Triangle Study Area as a vibrant urban, mixed-use neighborhood that emphasizes residential, small-scale retail, the arts, and public amenities. More specifically, the Sector Plan recognizes that the transit-oriented location of the Woodmont Triangle makes it a desirable and appropriate location for mixed-use, pedestrian-friendly development. Opportunities to retain existing businesses and expand opportunities for new businesses are encouraged, as are efforts to improve the safety and character of the existing streets.

The Application will be the first senior assisted living facility established in the CBD and will provide an important opportunity to integrate assisted living services into an urban setting. The location of the Subject Property will provide seniors in need of assisted living care with opportunities to enjoy and experience the amenities of an urban community. The location will also be a convenient option for family members already located in Bethesda who may desire to obtain care for their relatives closer to home.

The Application includes a ground-floor retail component that will serve residents and visitors of the facility while providing opportunities for small-scale businesses in the Woodmont Triangle.

The Application will provide streetscape improvements along the frontage of the Subject Property consistent with current Bethesda streetscape standards. Such streetscaping does not presently exist at this location, and will be a significant transformation over existing conditions. The improvements will directly contribute to the goal of promoting an active and safe pedestrian environment in the Woodmont Triangle. The opportunity to upgrade the streetscape at the Subject Property, near the new through-block connection to Del Ray Avenue that has been established with the Woodmont Central project (Site Plan 820110020, as amended), will allow a more comprehensive pedestrian network to emerge.

New public art will be provided, which the Sector Plan identifies as a priority public amenity. The art will evoke a message of growth and connectedness suggested by the vine and tree motifs that convey the tree of life metaphor. The palette and shapes suggest the seasonal aspects of growth and change in nature and life. The art will be installed on the south-facing façade of the building.

The Sector Plan also provides specific recommendations for building heights, with which the Application fully complies. The Subject Property is identified as part of Block 15. The Sector Plan specifically recommends heights up to 90 feet and supports the use of density transfers, if needed to achieve these maximum heights. The specific heights approved with the Application comply with the recommendations of the Sector Plan, as well as with the mapped heights of the Commercial/Residential and Commercial/Residential Neighborhood Zones approved with DMA G-956. Maximum building heights in the Application will be 90 feet.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

In approving Preliminary Plan 120160010 on December 10, 2015, the Planning Board found that the development will be served by adequate public facilities, including police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

9. *The development is compatible with existing and approved or pending adjacent development.*

The scale of the building will be appropriate for the location, with heights that establish a proper relationship with surrounding existing and planned buildings, and with the larger-scale buildings in the Woodmont Triangle District. The overall massing is oriented to give prominence to the building's presence on Rugby Avenue, and upper level setbacks will provide a transition to the Battery Lane District to the north of the Subject Property, including the adjacent garden apartments (where the R-10 Zone immediately abutting the Subject Property allows for maximum heights of 100 feet for apartment buildings). A study comparing the shaded areas of the garden apartment complex before and after construction of the building shows that the building will not substantially increase the amount of shadow that is cast onto the garden apartment property. On December 21, the date on which the impact would be the greatest, the study shows that at midday through the afternoon, a small area at the southern end of the southeastern building would be shaded that is not currently shaded in the absence of the building. In terms of aesthetics, the Application will provide a visually pleasing, modern building that will contribute positively to views in the CBD.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 16 2018 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Wells-Harley, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Wells-Harley, and Commissioner Cichy voting in favor, and Commissioners Dreyfuss and Fani-González absent at its regular meeting held on Thursday, September 8, 2016, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Casey Anderson, Chair  
Montgomery County Planning Board